

Board of Sumter County Commissioners

Division of Planning & Development

Code Compliance Department

910 N. Main Street, Suite 301 • Bushnell, FL 33513 • Phone (352) 793-0270 • FAX: (352) 793-0274
Website: <http://sumtercountyfl.gov>



SPECIAL MASTER HEARING December 17, 2009 @ 3:00 PM

Present: R. Lee Hawkins, Jr. - Special Master, Matthew Foreman - County Attorney/Hogan Law Firm, Alysia Akins - Code Enforcement/Licensing Coordinator, Jim Shady - Inspector, and Edd Kaman - Inspector.

Special Master Hawkins called the hearing to order at 3:00 PM and followed with the Pledge of Allegiance.

Special Master Hawkins entered the minutes of the Special Master Hearing from 10/29/09 into the record.

Mr. Shady and Mr. Kaman were sworn in.

OLD BUSINESS:

The following case received an Affidavit of Compliance:
CE2009-0181/Leiz

The following cases received Affidavits of Compliance with costs due:
CE2004-0174/ELLIOTT (with correction of replacing Special Master verbiage with Code Board)
CE2006-0376/CARBERRY
CE2007-0294/SCHOTT (with correction of replacing Special Master verbiage with Code Board)
CE2007-0605/FORSHAY
CE2008-0125/CEDAR ACRES
CE2008-0184/BAGLEY
CE2008-0386/CRAMPTON
CE2008-0459/MARQUIS
CE2009-0229/PINTO
CE2009-0231/HAMILTON
CE2009-0330/ALONSO

The following cases received Affidavits of Non-Compliance:
CE2009-0018/BROWN
CE2009-0020/CEDAR ACRES
CE2009-0174/ROBERTS
CE2009-0299/FLORES
CE2009-0353/REGENHARDT

NEW BUSINESS:

THE FOLLOWING CASES RECEIVED AFFIDAVITS OF PRE-HEARING COMPLIANCE:

CE2009-0368/HOLT

CE2009-0424/ALONSO

CE2009-0451/MERRITT

1) CASE #: CE2009-0356

NAME: WILLETT, MORRIS & WILLIAM

ADDRESS: 2428/2444 N US 301, COLEMAN

VIOLATION: 6-104(2) & 13-E.3.1.2 SHC 307.4

INSPECTOR: JIM SHADY

RECOMMENDATION: **HEAR CASE**

The Respondent, Morris Willett, was present and sworn in. The Respondents were sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 8/14/09. The property has homestead exemption. Mr. Shady's last visit to the property was on 12/17/09, and the property was not in compliance. Mr. Shady submitted photos of the violations taken on 12/17/09 into the record and to Mr. Willett for his review. Mr. Shady testified there are tires, debris, garbage, kitchen sinks, and rubbish on the property. Mr. Shady also testified Mr. Willett resides on the property. Mr. Shady testified the tires do not appear to be useable; there is trash in burn barrels; and bicycles on the property.

Mr. Willett testified the tires, washing machine, and boats are for sale. Mr. Willett testified his property is zoned commercial; therefore, he thought the sale of those items on his property was allowed under that zoning classification. Mr. Willett testified the mobile home on the property has utilities and it and the travel trailer are being used for storage. Mr. Willett testified his property was purchased by his father, the usage is "grandfathered in", and he is allowed to replace the mobile home according to the County's zoning staff.

Attorney Foreman testified the property is zoned CH (Heavy Commercial); however, since Mr. Willett resides on the property and claims homestead, it is being utilized as residential; therefore, the code violations apply.

Mr. Shady recommended the Respondents bring the property into compliance and pay staff costs in the amount of \$411.06. If not, a \$250 daily fine be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation based on staff's testimony regarding the general appearance of the property and due to the residential use of the property. The Respondents were ordered to bring the property into compliance by 12/24/09 by removing all items found in violation and paying staff costs in the amount of \$411.06. If not, a \$100 daily fine will be assessed until the property is found in compliance and costs are paid.

Mr. Willett testified he will remove the tires and asked if he had to remove his boats and/or clean out the mobile home being used for storage, in which Special Master Hawkins advised Mr. Willett to improve the general appearance of his property.

2) CASE #: CE2009-0384

NAME: DAVIS, OLIVIA & SUSIE STEELE
ADDRESS: 730 E C-462, WILDWOOD
VIOLATION: 6-104(5) & 6-104(3)
INSPECTOR: LEE HARTMAN/JIM SHADY
RECOMMENDATION: **HEAR CASE**

Susie A. Steele, Respondent, was present and sworn in. The Respondents were sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 8/31/09. The property does not have homestead exemption. Mr. Shady visited the property on 12/17/09, and the property remains in violation. Mr. Shady submitted photos of the violations taken on 12/17/09.

Ms. Steele testified she had met with Mr. Hartman regarding the violations on her property. Ms. Steele testified she purchased the property with the unfinished structure already on it. Ms. Steele requested until the end of January to demolish the structure. Ms. Steele testified she is having the property mowed and is aware of the debris on the property which she plans to burn. Ms. Steele testified she is currently looking for someone to assist with the code violations. Ms. Steele testified she tore down the wood structure that was on the property.

Mr. Shady advised Ms. Steele to verify whether burn and/or demolition permits are required and to contact Mr. Hartman before pursuing any further action. Mr. Shady recommended the property be brought into compliance by the middle of January 2010 or pay a \$10 daily fine until the property is found in compliance.

Special Master Hawkins found the property in non-compliance of 6-104(3)/Unsafe Housing and 6-104(5)/Nuisances: Grass. Special Master Hawkins ordered the property be brought into compliance by removing the unsafe structure and mowing the grass by 1/25/10. If compliance is not met as ordered, staff costs of \$411.06 must be paid along with a \$10 daily fine that will be assessed for each and every day the property remains in violation.

3) CASE #: CE2009-0331

NAME: CALDWELL, JEFFREY & CHRISTINE
ADDRESS: 7599 CR 109E, LADY LAKE
VIOLATION: 6-104(2) & 6-104(4)
INSPECTOR: LEE HARTMAN/JIM SHADY
RECOMMENDATION: **HEAR CASE**

The Respondents were not present. The Respondents were sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 7/27/09. The property does not have homestead exemption. Mr. Shady visited the property on 12/17/09, and the property remains in non-compliance. Mr. Shady submitted photos of the violations taken on 12/17/09 into the record. Mr. Shady testified the trash and debris remain on the property; however, the inoperable vehicles have been removed. Mr. Shady also testified that during his inspections he determined there is an unsafe pool on the property; therefore, Mrs. Akins was advised to re-notice the Respondents with the new violation and re-schedule the code case for that violation at next month's hearing.

Mr. Shady recommended the Respondents bring the property into compliance immediately and pay staff costs in the amount of \$511.06. If not, a \$25 daily fine be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation due to the debris on the property. The Respondents were ordered to bring the property into compliance by removing the debris and paying staff costs in the amount of \$511.06 by 12/18/09. If not, a \$25 daily fine will be assessed until the property is found in compliance and costs are paid.

- 4) CASE #: CE2009-0352
NAME: PAXTON, CHARLES & MYRA
ADDRESS: 1626 S US 301, SUMTERVILLE
VIOLATION: 6-104(5) & 6-104(3)
INSPECTOR: BILL JAMES/DWAYNE AUSLEY
RECOMMENDATION: **HEAR CASE**

Special Master Hawkins moved to table this case to the 1/28/10 hearing in order for the Inspector to discuss the violations with the Respondents. Special Master Hawkins was advised to re-notice the Respondents accordingly.

- 5) CASE #: CE2009-0461
NAME: BOSLEY, BETHEL & WANDA HOLMES
ADDRESS: 6858 CR 607, BUSHNELL
VIOLATION: 6-104(5)
INSPECTOR: EDD KAMAN
RECOMMENDATION: **HEAR CASE**

The Respondents were not present. The Respondents were sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 10/13/09. The property has homestead exemption. Mr. Kaman's last visit to the property was on 12/17/09, and the property was not in compliance. Mr. Kaman submitted photos of the violation taken on 12/17/09 into the record. Mr. Kaman testified the overgrowth is over 3' - 4' tall in some areas. Mr. Kaman also testified the neighbors informed him the property has been vacant for 3 years.

Mr. Kaman recommended the Respondents bring the property into compliance and pay staff costs in the amount of \$361.06 upon the date of the Order. If not, a \$100 daily fine be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation due to the overgrowth. The Respondents were ordered to bring the property into compliance by mowing the grass and paying staff costs in the amount of \$361.06 by 12/18/09. If not, a \$50 daily fine will be assessed until the property is found in compliance and costs are paid.

6) CASE #: CE2009-0419
NAME: LOVETT, STANLEY
ADDRESS: 1657 CR 607, BUSHNELL
VIOLATION: 6-104(5)
INSPECTOR: EDD KAMAN
RECOMMENDATION: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 9/22/09. The property has homestead exemption. Mr. Kaman's last visit to the property was on 12/17/09, and the property was not in compliance. Mr. Kaman submitted photos of the violation taken on 12/17/09 into the record. Mr. Kaman testified the property appears to be vacant at this time.

Mr. Kaman recommended the Respondent bring the property into compliance and pay staff costs in the amount of \$361.06. If not, a \$50 daily fine be ordered until the property is found in compliance and staff costs are paid.

Special Master Hawkins found the property in violation due to the overgrowth. The Respondent was ordered to bring the property into compliance by mowing the grass and paying staff costs in the amount of \$361.06 by 12/18/09. If not, a \$25 daily fine will be assessed until the property is found in compliance and costs are paid.

There was no further business to discuss; therefore, Special Master Hawkins adjourned at approximately 3:50 PM.